

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HENRY BOYNES,

Plaintiff,

v.

COUNTY OF LAWRENCE, DR. JOHN DOE,
NURSE FRAN, NURSE ROXANNE and
PRIMECARE MEDICAL, INC,

Defendants.

Civil Action No. 2:15-cv-00139-CRE

MAGISTRATE JUDGE CYNTHIA REED EDDY

ELECTRONICALLY FILED

JURY TRIAL DEMANDED

COUNTY OF LAWRENCE'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT

AND NOW, comes Defendant, COUNTY OF LAWRENCE, by and through its undersigned counsel, JonesPassodelis, PLLC, and files the following Answer and Affirmative Defenses to Plaintiff's Complaint, as follows:

INTRODUCTION

1. It is admitted that Plaintiff brings this claim pursuant to 42 U.S.C. § 1983. The remainder of the averments set forth in paragraph 1 of Plaintiff's Complaint are denied.

JURISDICTION AND VENUE

2-3. Admitted.

PARTIES

4. It is admitted that Plaintiff is an adult individual and that he was incarcerated at the Lawrence County Correctional Facility. It is denied that he suffered "maltreatment" at the jail. It is admitted, upon information and belief, that he is currently incarcerated at SCI Mercer.

5. Admitted.

6. The averments set forth in paragraph 6 of Plaintiff's Complaint are not directed at this Defendant and do not require a response.

7. Admitted.

8-10. The averments set forth in paragraphs 8 through 10 of Plaintiff's Complaint are not directed at this Defendant and do not require a response.

FACTS

11. Admitted, upon information and belief.

12. Denied.

14-26. The averments set forth in paragraphs 14 through 26 of Plaintiff's Complaint are directed to parties other than the answering Defendant and to which no response is required. To the extent that a response is deemed necessary, they are denied.

27. Denied.

28. It is admitted that Plaintiff was transferred to SCI Mercer. The remainder is denied.

29-32. The averments set forth in paragraphs 29 through 32 of Plaintiff's Complaint are directed to the actions of parties other than the answering Defendant and to which no response is required. To the extent that a response is deemed necessary, they are denied in that, after reasonable investigation, the answering Defendant is without knowledge or information sufficient to form a belief as to their truth or falsity.

33-34. Denied.

COUNT I – PLAINTIFF V. ALL DEFENDANTS –
SECTION 1983 VIOLATION OF EIGHTH AMENDMENT
PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT

35. The foregoing responses to paragraphs 1 through 34 of Plaintiff's Complaint are incorporated by reference as though fully set forth herein at length.

36. Denied as stated. The answering Defendant is responsible for the operations and policies of the Lawrence County Correctional Facility to the extent and in the manner required by applicable law.

37-40. The averments set forth in paragraphs 37 through 40 of Plaintiff's Complaint are not directed to the answering Defendant. No response is required. To the extent a response is deemed necessary, they are denied.

41. Denied.

42. Denied.

43. The averments set forth in paragraph 43 of Plaintiff's Complaint are directed to parties other than the answering Defendant and to which no response is required. To the extent that a response is deemed necessary, they are denied.

44. Denied.

COUNT II – PLAINTIFF V. DR. DOE,
NURSE FRAN AND NURSE ROXANNE - NEGLIGENCE

45-46. The averments set forth in paragraphs 45 and 46 of Plaintiff's Complaint are not directed to the answering Defendant and to which no response is required. To the extent that a response is deemed necessary, they are denied.

COUNT III – PLAINTIFF V. LAWRENCE COUNTY – NEGLIGENCE

47-48. Count III of Plaintiff's Complaint has been stricken by Order of Court. No response is required.

COUNT III – PLAINTIFF V. PrimeCare MEDICAL INC. – NEGLIGENCE

49-50. The averments set forth in paragraphs 49 and 50 of Plaintiff's Complaint are directed to parties other than the answering Defendant and to which no response is required. To the extent that a response is deemed necessary, they are denied.

WHEREFORE, Defendant, COUNTY OF LAWRENCE, respectfully requests that judgment be entered in its favor and against Plaintiff, together with any and all such other and further relief as law or equity require.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

51. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

52. Plaintiff's claims may be barred, in whole or in part, by operation of the Prison Litigation Reform Act.

THIRD AFFIRMATIVE DEFENSE

53. Any injury or damage sustained by the Plaintiff was a direct and proximate result of Plaintiff's conduct and/or the conduct of unrelated third parties.

FOURTH AFFIRMATIVE DEFENSE

54. Any and all applicable affirmative defenses as set forth in F.R.C.P. 8(c) are raised as additional defenses to the causes of action asserted.

55. This Defendant reserves the right to plead any additional affirmative defenses as may become evident through discovery in this matter.

WHEREFORE, Defendant, COUNTY OF LAWRENCE, respectfully requests that judgment be entered in its favor and against Plaintiff, together with any and all such other and further relief as law or equity require.

Respectfully submitted,

JONESPASSODELIS, PLLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been forwarded to all counsel of record by:

_____ U.S. First Class Mail, Postage Paid
_____ Hand Delivery
_____ Certified Mail, Return Receipt Requested
_____ Facsimile Transmittal
_____ UPS Delivery
 X Electronic Filing/Service

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JONESPASSODELIS, PLLC

Date: December 30, 2015

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